



Appendix D: Summaries and Tables of Closed Export Enforcement Cases and Criminal Cases

Table 1
Department of Commerce Export Enforcement Cases
Closed October 1, 2003 to September 30, 2004

Order Date	Cases	Charges	Sections Violated ¹	Respondents	Result
10/06/03	In the Matter of Trane Export LLC	Violated the terms of an order denying the export privileges of Realtek Semiconductors Co. Ltd. by participating in a transaction with Realtek involving commodities that were subject to the Regulations and that were exported from the United States	764.2(k) [1]	Trane Export LLC	Settlement Agreement—civil penalty of \$5,000
10/06/03	In the Matter of Trane Taiwan Distribution Limited	Violated the terms of an order denying the export privileges of Realtek Semiconductors Co. Ltd. by participating in a transaction with Realtek involving commodities that were subject to the Regulations and that were exported from the United States	764.2(k)[11]	Trane Taiwan Distribution Limited	Settlement Agreement—civil penalty of \$27,000
10/16/03	In the Matter of World Control International, Inc.	Made false or misleading statement of material fact in connection with the preparation of an export control document	764.2(g) [1]	World Control International, Inc.	Settlement Agreement—civil penalty of \$3,000
11/04/03	In the Matter of Sigma Enterprises Limited	Conspiracy involving exporting spare parts for hydraulic shears from the United States to Libya without the required export licenses; took actions to evade the Regulations	764.2(d)[1] 764.2(h)[1]	Sigma Enterprises Limited	Settlement Agreement—civil penalty of \$18,000
11/04/03	In the Matter of John Clements	Conspiracy involving exporting spare parts for hydraulic shears from the United States to Libya; caused parts for hydraulic shears to be forwarded domestically knowing that the parts were to be exported from the United States to Libya	764.2(d)[1] 764.2(e)[1]	John Clements	Settlement Agreement—civil penalty of \$12,000

¹For administrative enforcement cases under Part 766 of the EAR, the number shown in brackets is the number of violations alleged.

Appendix D: Summaries of Closed Criminal and Administrative Export Enforcement Cases

Table 1
Department of Commerce Export Enforcement Cases
Closed October 1, 2003 to September 30, 2004 (Continued)

Order Date	Cases	Charges	Sections Violated ¹	Respondents	Result
11/04/03	In the Matter of Minequip Corporation	Conspiracy involving exporting spare parts for hydraulic shears from the United States to Libya; caused parts for hydraulic shears to be forwarded domestically knowing that the parts were to be exported from the United States to Libya	764.2(d)[1] 764.2(e)[1]	Minequip Corporation	Settlement Agreement—civil penalty of \$12,000
11/12/03	In the Matter of Future Metals, Inc.	Exported aluminum bars to India without the required export licenses and with knowledge that violations would occur; exported aluminum sheets and stainless steel tubes to Hindustan Aeronautics Limited, Engine Division, in India, an organization of the Department of Commerce Entity List without the required licenses and with knowledge that violations would occur; failed to retain certain export control documents	764.2(a)[17] 764.2(e)[17] 764.2(i)[6]	Future Metals, Inc.	Settlement Agreement—civil penalty of \$180,000
11/12/03	In the Matter of Omega Engineering Incorporated	Exported certain laboratory equipment to Pakistan, although the Commerce Department had denied a license for the same shipments and with knowledge that a violation would occur; made false statements on a Shipper's Export Declaration regarding the ultimate destination, the ultimate consignee and license requirement	764.2(a) [4] 764.2(g) [12] 764.2(e) [1]	Omega Engineering Incorporated	Settlement Agreement—civil penalty of \$187,000; export privileges denied for five years to Pakistan
11/12/03	In the Matter of Ralph Michel	Made or caused exports of laboratory equipment from the United States to Pakistan via Germany contrary to the denial of a export license application and with knowledge of a violation; made false statements of Shipper's Export Declaration regarding the ultimate destination	764.2(a) [4] 764.2(e) [1] 764.2(b)[1]	Ralph Michel	Settlement Agreement—export privileges denied for five years to Pakistan
11/17/03	In the Matter of Ahwaz Steel Commercial & Technical Service Gmbh	Caused the export of various items subject to the Regulations and the Iranian Transactions Regulations to Iran via Germany without prior authorization from the Office of Foreign Assets Control	764.2(b)[8]	Ahwaz Steel Commercial & Technical Service Gmbh	Settlement Agreement—civil penalty of \$50,000; export privileges denied for five years, three years suspended

¹For administrative enforcement cases under Part 766 of the EAR, the number shown in brackets is the number of violations alleged.

Appendix D: Summaries of Closed Criminal and Administrative Export Enforcement Cases

**Table 1
Department of Commerce Export Enforcement Cases
Closed October 1, 2003 to September 30, 2004 (Continued)**

Order Date	Cases	Charges	Sections Violated¹	Respondents	Result
11/17/03	In the Matter of Metal & Mineral Trade Sarl	Aided and abetted the exports of items from the United States to Iran without the required authorization from the Office of Foreign Assets Control (OFAC); caused the export of items from the United States to Iran without the required authorization from the OFAC and with knowledge that a violation would occur	764.2(b)[5] 764.2(e)[1]	Metal & Mineral Trade Sarl	Settlement Agreement—civil penalty of \$35,000; export privileges denied for five years, three years suspended
12/04/03	In the Matter of Reliance Steel & Aluminum Company	Exported aluminum alloy rods to the People's Republic of China, Taiwan, Malaysia, and Singapore, without the required licenses; made false or misleading statements on SEDs	764.2(a) [13] 764.2(g) [12]	Reliance Steel & Aluminum Company, acting through its Bralco Metals division	Settlement Agreement—civil penalty of \$95,850
12/15/03	In the Matter of Automated Systems, Ltd.	Aided and abetted the export of a computer from the United States to a military end-user in People's Republic of China without a license from the Department of Commerce and with knowledge of a violation	764.2(b) [1] 764.2(e) [1]	Automated Systems, Ltd.	Settlement Agreement—civil penalty of \$22,000; not engage in any activity subject to the Regulations that involves Changsha Institute of Science and Technology (CIST) without prior written consent from BIS; and provide a report to Special Agent in Charge Salcido concerning ASL's exports or reexports to the People's Republic of China (exclusive of the Hong Kong Special Administrative Region) of computers and related parts and equipment made during the one year period from the date of the Order that are subject to the Regulations

¹For administrative enforcement cases under Part 766 of the EAR, the number shown in brackets is the number of violations alleged.

Appendix D: Summaries of Closed Criminal and Administrative Export Enforcement Cases

Table 1
Department of Commerce Export Enforcement Cases
Closed October 1, 2003 to September 30, 2004 (Continued)

Order Date	Cases	Charges	Sections Violated ¹	Respondents	Result
12/15/03	In the Matter of TLC Precision Wafer Technology	Exported or caused to be exported an aluminum gallium arsenide/gallium arsenide epitaxial wafer from the United States to Brazil and Israel; failed to submit Shipper's Export Declaration (SED); made false statements on SED concerning authority to export oscillator chips to Israel	764.2(a) [3] 764.2(g) [2]	TLC Precision Wafer Technology	Settlement Agreement—civil penalty of \$35,000, \$20,000 suspended for one year
12/15/03	In the Matter of ABO (USA) Inc.	Conspiracy; exported or caused to be exported night vision scopes to Japan without the required license	764.2(d) [1] 764.2(a) [1]	ABO (USA) Inc.	Settlement Agreement—civil penalty of \$20,000, all of which is suspended; export privileges denied to all destinations other than Canada for two years
12/15/03	In the Matter of Sun Microsystems, Inc.	Exported a high performance computer ("HPC") from the United States to a military end-user in the People's Republic of China, and exported a HPC to a military end-user in Egypt, (Egyptian Army), without the required licenses and with knowledge that a violation would occur; made false representation as to country of ultimate destination on SED; altered a document responsive to a BIS subpoena; failed to comply with conditions of BIS export licenses; used shipping documents that did not conform with BIS licenses; failed to maintain the required records; failed to identify the ultimate consignee and intermediate consignee on the documents; made false statement on SED as to the authority to export	764.2(a) [18] 764.2(i) [2] 764.2(g) [3] 764.2(e) [1]	Sun Microsystems, Inc	Settlement Agreement—civil penalty of \$264,000; export privileges denied for one year, all of which is suspended, and one year prohibition on engaging in export transactions with Changsta Institute of Science and Technology and the Egyptian Army

¹For administrative enforcement cases under Part 766 of the EAR, the number shown in brackets is the number of violations alleged.

Appendix D: Summaries of Closed Criminal and Administrative Export Enforcement Cases

**Table 1
Department of Commerce Export Enforcement Cases
Closed October 1, 2003 to September 30, 2004 (Continued)**

Order Date	Cases	Charges	Sections Violated¹	Respondents	Result
12/15/03	In the Matter of Sun Microsystems China, Ltd	Aided and abetted the export of a high performance computer to a military end-user in the People's Republic of China, the Changsha Institute of Science and Technology, without the required license	764.2(b) [1]	Sun Microsystems China, Ltd	Settlement Agreement— civil penalty of \$11,000; will not participate in transactions subject to the Regulations the Changsha Institute of Science and Technology (CIST) in the People's Republic of China for one year
involving					
12/15/03	In the Matter of Sun Microsystems California, Ltd	Aided and abetted the export of an HPC to a military end-user in the People's Republic of China, the Changsha Institute of Science and Technology, without the required license	764.2(b) [1]	Sun Microsystems California, Ltd	Settlement Agreement— civil penalty of \$11,000; will not participate in transactions subject to the Regulations involving the Changsha Institute of Science and Technology (CIST) in the People's Republic of China for one year
12/15/03	In the Matter of Sun Microsystems, Inc.	Failed to comply with a condition of BIS export license	764.2(a) [1]	Sun Microsystems, Inc.	Settlement Agreement— civil penalty of \$5,000
12/29/03	In the Matter of Honeywell International, Inc.	Exported hydrogen fluoride to Mexico without obtaining authorization from BIS	764.2(a)[12]	Honeywell International, Inc.	Settlement Agreement— civil penalty of \$36,000
12/29/03	In the Matter of Mahmoud Haghsheno Kashani, also known as Mike Kashani	Attempted to export replacement parts for multiple gas analyzers from the United States through Germany to Iran without prior authorization from the OFAC, and with knowledge that a violation would occur; made false statements to the U.S. supplier to evade the provisions of the Regulations relating to Iran	764.2(c) [1] 764.2(e) [1] 764.2(h) [1]	Mahmoud Haghsheno Kashani, also known as Mike Kashani, acting as an officer of Zimex, Inc.	Settlement Agreement—export privileges denied for five years

¹For administrative enforcement cases under Part 766 of the EAR, the number shown in brackets is the number of violations alleged.

Appendix D: Summaries of Closed Criminal and Administrative Export Enforcement Cases

Table 1
Department of Commerce Export Enforcement Cases
Closed October 1, 2003 to September 30, 2004 (Continued)

Order Date	Cases	Charges	Sections Violated ¹	Respondents	Result
1/15/03	In the Matter of Emcore Corporation	Exported metal organic chemical vapor disposition tools to Taiwan and serviced unlicensed tools without obtaining the required licenses; failed to file Shipper's Export Declaration; failed to retain export control documents; failed to submit export control documents to BIS as required by conditions on export licenses; made false statements on SED concerning the authority to export	764.2(a) [56] 764.2(g)[13] 764.2(i) [2]	Emcore Corporation	Settlement Agreement— civil penalty of \$400,000
1/15/03	In the Matter of Massive International Incorporated	Attempted to export hydraulic stud tensioners to Bharat Heavy Electrical Limited of Tiruchirapalli, India, an organization on the Entity List, without the required license and with knowledge that a violation would occur	764.2(a) [1] 764.2(e) [1]	Massive International Incorporated	Settlement Agreement— civil penalty of \$13,000
1/30/03	In the Matter of Denton Vacuum, LLC	Exported a sputtering system to Solid State Physics Laboratory, New Delhi, India, an organization of the Entity List; made a false statement on Shipper's Export Declaration	764.2(a) [1] 764.2(g) [1]	Denton Vacuum, LLC	Settlement Agreement— civil penalty of \$7,000
2/15/03	In the Matter of Global Dynamics Corporation	Exported and attempted to export military truck parts to the Republic of Korea without the required licenses	764.2(a) [6] 764.2(c) [1]	Global Dynamics Corporation	Settlement Agreement— civil penalty of \$38,000, \$8,000 suspended for one year
2/5/03	In the Matter of Jeffrey Woodbridge	Conspiracy involving exporting spare parts for hydraulic shears from the United States to Libya without the required export license; took actions to evade the Regulations	764.2(d) [1] 764.2(h) [1]	Jeffrey Woodbridge	Settlement Agreement— civil penalty of \$15,000
2/23/03	In the Matter of Polytrust Technologies (S) Pte. Ltd. and Phua Tin Mong, also known as Fred Phua	Transferred or caused the transfer of five optical gun sighting devices in violation of a license condition and with knowledge that a violation would occur	764.2(a) [1] 764.2(e) [1]	Polytrust Technologies (S) Pte. Ltd. and Phua Tin Mong, also known as Fred Phua	Settlement Agreement— civil penalty of \$5,000

¹For administrative enforcement cases under Part 766 of the EAR, the number shown in brackets is the number of violations alleged.

Appendix D: Summaries of Closed Criminal and Administrative Export Enforcement Cases

Table 1
Department of Commerce Export Enforcement Cases
Closed October 1, 2003 to September 30, 2004 (Continued)

Order Date	Cases	Charges	Sections Violated¹	Respondents	Result
2/24/03	In the Matter of Morton International, Inc., Morton International, S.A.S, Rohm and Haas Japan K.K	Morton International, Inc. exported and attempted to export thiodiglycol and organo-inorganic compounds to Mexico, Singapore and Taiwan without the required licenses (13 violations); Morton International S.A.S. reexported organo-inorganic compounds from France to Israel, Poland, and Tunisia without the required licenses (19 violations); Rohm and Haas Japan K.K. reexported organo-inorganic compounds from Japan to Taiwan and India without the required licenses (117 violations)	764.2(a)[147] 764.2(c)[2]	Morton International, Inc., Morton International, S.A.S, Rohm and Haas Japan K.K	Settlement Agreement—a civil penalty of \$239,500 against Morton International; civil penalty of \$57,000 against Morton International, S.A.S; and a civil penalty of \$351,000 against Rohm and Haas Japan
2/26/03	In the Matter of Dunmore Corporation	Exported metallized polyimide films to India without obtaining the required authorization	764.2(a)[4]	Dunmore Corporation	Settlement Agreement— civil penalty of \$27,000
3/04/03	In the Matter of Alicat Scientific, Inc.	Caused the export of mass flow meters and power supplies to the Department of Atomic Energy, Mumbai, India, an organization on the Entity List	764.2(a) [1]	Alicat Scientific, Inc.	Settlement Agreement— civil penalty of \$7,000, \$2,000 suspended for one year
3/10/03	In the Matter of Atlas Copco Compressors Inc.	Caused the shipment of seals and o-rings to Bharat Heavy Electrical Limited, Hyderabad, India (BEL), an organization on the Entity List; engaged in prohibited conduct by submitting an export license application to BIS that sought authorization to ship items that had already been shipped	764.2(a) [2]	Atlas Copco Compressors Inc.	Settlement Agreement—civil penalty of \$13,000

¹For administrative enforcement cases under Part 766 of the EAR, the number shown in brackets is the number of violations alleged.

Appendix D: Summaries of Closed Criminal and Administrative Export Enforcement Cases

Table 1
Department of Commerce Export Enforcement Cases
Closed October 1, 2003 to September 30, 2004 (Continued)

Order Date	Cases	Charges	Sections Violated¹	Respondents	Result
3/19/03	In the Matter of Yaudat Mustafa Talyi, a.k.a. Joseph Talyi	TDO: Reason to believe that there was a risk of an imminent violation based on evidence that Talyi, through his company International Business Services, Inc., exported or participated in the export of U.S.-origin items to Libya and Sudan without obtaining the necessary authorizations from BIS or the Treasury Department's Office of Foreign Assets Control; attempted to mislead U.S. suppliers about the ultimate destination and end-user of the items ordered by falsely claiming that they were bound for destinations such as the United Arab Emirates or Venezuela while the items were designed for oil field equipment in Libya and Sudan	764.2(a) 764.2(d) 764.2(g)	Yaudat Mustafa Talyi, a.k.a. Joseph Talyi	TDO renewed for 180 days and modified it by removing International Business Services, Ltd. and Top Oil Tools, Ltd., Uni-Arab Engineering and Oil Field Services, Jaime Radi Mustafa and Nureddin Shaffiff Sehweil (see also 9/13/04 entry)
3/19/03	In the Matter of Uni-Arab Engineering and Oil Field Services, Jaime Radi Mustafa, a.k.a. Radi Mustafa and Nureddin Shariff Sehweil, a.k.a. Dean Sehweil	TDO: Reason to believe that there was a risk of an imminent violation based on evidence that Uni-Arab Engineering and Oil Field Services engaged in the business of exporting U.S.-origin items to Libya. Radi Mustafa and Dean Sehweil have given false and misleading statements to BIS on their own behalf and on behalf of Uni-Arab as part of filings opposing being named as related persons to Talyi in the modified TDO. Uni-Arab deliberately and covertly violated the initial TDO	764.2(a) 764.2(d) 764.2(e) 764.2(g) 764.2(k)	Uni-Arab Engineering and Oil Field Services, Jaime Radi Mustafa, a.k.a. Radi Mustafa and Nureddin Shariff Sehweil, a.k.a. Dean Sehweil	Issued TDO denying export privileges for 180 days
4/02/03	In the Matter of Molecular Probes, Inc.	Exported conotoxin and tetrodotoxin from the United States to various destinations including Canada, Japan, and France without the required licenses	764.2(a) [97]	Molecular Probes, Inc.	Settlement Agreement— civil penalty of \$266,750

¹For administrative enforcement cases under Part 766 of the EAR, the number shown in brackets is the number of violations alleged.

Appendix D: Summaries of Closed Criminal and Administrative Export Enforcement Cases

**Table 1
Department of Commerce Export Enforcement Cases
Closed October 1, 2003 to September 30, 2004 (Continued)**

Order Date	Cases	Charges	Sections Violated¹	Respondents	Result
4/02/03	In the Matter of New Focus, Inc.	Exported microwave solid state amplifiers and technology related to solid state amplifiers from the United States to the Czech Republic, Singapore, and Chile without obtaining the required licenses; exported technology related to solid state amplifiers, photoreceivers and other telecommunication components to an Iranian and Chinese national that were deemed to be exports; made false or misleading statements on Shipper's Export Declaration	764.2(a) [6] 764.2(g)[2]	New Focus, Inc.	Settlement Agreement—civil penalty of \$200,000
4/14/03	In the Matter of RLC Electronics, Inc.	Exported power dividers and low pass filters to the Indian Space Research Organization ("ISRO"), Telemetry, Tracking and Command Network ("ISTRAC"), Bangalore, India, and exported position switches to Sriharikota Space Center ("SHAR"), Bangalore, India, organizations on the Entity List without the required licenses; filed a Shipper's Export Declaration that represented falsely that the export to ISRO was eligible for export as NLR	764.2(a)[4] 764.2(g)[1]	RLC Electronics, Inc.	Settlement Agreement—civil penalty of \$30,000
4/14/03	In the Matter of Roper Scientific, Inc.	Exported thermal imaging cameras from the United States to various destinations, including Japan, South Korea and Italy, without the required export licenses; sold or serviced imaging cameras, knowing that they were to be exported from the United States in violation of the Regulations; failed to retain required export control documents; made false statements on Shipper's Export Declaration concerning ECCN and authority to export	764.2(a)[40] 764.2(e)[40] 764.2(g)[2] 764.2(i) [39]	Roper Scientific, Inc.	Settlement Agreement—civil penalty of \$422,000
05/03/04	In the Matter of ADCO Sales, Inc.	Exported optical sighting devices to Hong Kong, Switzerland, and Israel without obtaining the required licenses	764.2(a)[4]	ADCO Sales, Inc.	Settlement Agreement—civil penalty of \$2,000

¹For administrative enforcement cases under Part 766 of the EAR, the number shown in brackets is the number of violations alleged.

Appendix D: Summaries of Closed Criminal and Administrative Export Enforcement Cases

Table 1
Department of Commerce Export Enforcement Cases
Closed October 1, 2003 to September 30, 2004 (Continued)

Order Date	Cases	Charges	Sections Violated ¹	Respondents	Result
05/06/04	In the Matter of Charlie Kuan	Aided and abetted the unlicensed export of detector log video amplifiers by authorizing the procurement of the detector log video amplifiers knowing or having reason to know that they would be exported to the People's Republic of China (PRC) without the required licenses; arranged for the entrance of citizens of the PRC into the United States, knowing or having reason to that a U.S. company (Suntek) would release the U.S.-origin technology without the required licenses; made false statements on license application to BIS	787A.2[1] 764.2(e)[6] 764.2(b)[9] 764.2(a)[1]	Charlie Kuan	Settlement Agreement—civil penalty of \$187,000, all of which is suspended; export privileges denied for 20 years
05/06/04	In the Matter of Suntek Microwave	Aided and abetted the unlicensed export of detector log video amplifiers by selling them to Silicon Valley Scientific Instruments Corporation (SVSIC) who then exported them to PRC without the required license; transferred detector log amplifiers to SVSIC knowing or having reason to know that they would be exported to the PRC without the required licenses; released U.S.-origin technology to citizens of the PRC without the required licenses; made false statements on license application to BIS; exported detector log video amplifiers to PRC without obtaining the required licenses and sold or transferred them with knowledge that the required licenses were not obtained	787A.2[1] 764.2(e)[6] 764.2(a)[14] 764.2(g)[4]	Suntek Microwave	Settlement Agreement—civil penalty of \$275,000, all of which is suspended; export privileges denied for 20 years
05/12/04	In the Matter of Arian Transportvermittlungs GmbH	Reexported computers and software from Germany to Iran without obtaining the required license; caused the transport of computers and software to Iran with knowledge that a violation would occur	764.2(a)[1] 764.2(e)[1]	Arian Transportvermittlungs GmbH	Default Order: Export privileges denied for 10 years
05/24/04	In the Matter of Jason Liao, individually and doing business as JFD International	Exported detector log video amplifiers to the PRC without the required licenses and with knowledge that a violation would occur; aided and abetted the release of U.S.-origin technology to citizens of the PRC (deemed export) without the required licenses	787A.6 [1] 787A.4 [1] 764.2(a) [1] 764.2(e) [1] 764.2(b) [1]	Jason Liao, individually and doing business as JFD International	Final Order (litigated case) Civil penalty of \$55,000; export privileges denied for 20 years

¹For administrative enforcement cases under Part 766 of the EAR, the number shown in brackets is the number of violations alleged.

Appendix D: Summaries of Closed Criminal and Administrative Export Enforcement Cases

**Table 1
Department of Commerce Export Enforcement Cases
Closed October 1, 2003 to September 30, 2004 (Continued)**

Order Date	Cases	Charges	Sections Violated¹	Respondents	Result
06/04/04	In the Matter of General Monitors, Inc.	Exported gas and fire detection equipment from the United States to Bharat Heavy Electrical Limited of Hyderabad, India (BEL), an organization on the Entity List without the required licenses; made false statements on Shipper's Export Declarations	764.2(a)[6] 764.2(g)[12]	General Monitors, Inc.	Settlement Agreement—civil penalty of \$40,000
06/08/04	In the Matter of Stoelting Company	Exported parts for polygraph equipment to the PRC without the required licenses and with knowledge that a violation of the Regulations would occur; attempted to export monitors for polygraph equipment to the PRC without the required license; arranged for items to be shipped to Italy and then forwarded to PRC in an attempt to evade the license requirement under the Regulations	764.2(a)[3] 764.2(e)[3] 764.2(c)[1] 764.2(h)[1]	Stoelting Company	Settlement Agreement—civil penalty of \$44,000; export privileges denied for five years, all of which is suspended
06/08/04	In the Matter of Lavern A. Miller	Exported parts for polygraph equipment to the PRC without the required licenses and with knowledge that a violation of the Regulations would occur; attempted to export monitors for polygraph equipment to the PRC without the required license; arranged for items to be shipped to Italy and then forwarded to PRC in an attempt to evade the license requirement under the Regulations	764.2(a)[3] 764.2(e)[3] 764.2(c)[1] 764.2(h)[1]	Lavern A. Miller	Settlement Agreement—civil penalty of \$44,000
06/24/04	In the Matter of Atotech USA Inc.	Exported a corrosive chemical substance to Hong Kong without the required license and with knowledge that a violation of the Regulations was intended to occur; made a false statement on SED	764.2(a) [1] 764.2(e) [1] 764.2(g) [1]	Atotech USA Inc.	Settlement Agreement—civil penalty of \$14,000
06/24/04	In the Mater of BNC Corp. also known as Berkeley Nucleonics Corporation	Attempted to export pulse generators to the Directorate of Purchase and Stores, Department of Atomic Energy (DPS) in India and the Nuclear Power Corporation, organizations on the Entity List without the required licenses; attempted to export a pulse generator from the United States to the DPS in India	764.2(a) [4] 764.2(c) [1]	BNC Corp. also known as Berkeley Nucleonics Corporation	Settlement Agreement—civil penalty of \$55,000; export privileges denied for five years, all of which is suspended

¹For administrative enforcement cases under Part 766 of the EAR, the number shown in brackets is the number of violations alleged.

Appendix D: Summaries of Closed Criminal and Administrative Export Enforcement Cases

Table 1
Department of Commerce Export Enforcement Cases
Closed October 1, 2003 to September 30, 2004 (Continued)

Order Date	Cases	Charges	Sections Violated ¹	Respondents	Result
06/24/04	In the Matter of Caliber, Inc.	Exported and attempted to export 12 gauge shotguns to Costa Rica without the required licenses; made false or misleading representation on SED concerning authority to export; failed to provide required information on SED	764.2(a) [3] 764.2(c) [1] 764.2(g) [1]	Caliber, Inc	Settlement Agreement—civil penalty of \$20,700
06/24/04	In the Matter of Helka GmbH	Exported an Intergraph PhotoScan TD system to Iran via Germany without the required licenses and with knowledge that a violation of the Regulations was about to occur; solicited Intergraph GmbH to service the goods which had been exported to Iran	764.2(a) [1] 764.2(c) [1] 764.2(e) [1]	Helka GmbH	Settlement Agreement—civil penalty of \$15,000
06/24/04	In the Matter of Kennametal Inc.	Exported nickel powder to Israel, Chile, Mexico, Peru, Taiwan, and India without the required licenses; made false or misleading representation on SED concerning authority to export; failed to retain export control documents	764.2(a) [45] 764.2(g) [27] 764.2(i) [3]	Kennametal Inc.	Settlement Agreement—civil penalty of \$262,500
06/24/04	In the Matter of Pratt & Whitney	Export technical data to various destinations, including PRC, Japan, and Singapore without the required licenses and with knowledge that violations of the Regulations would occur; exported technology data to a Spanish, Dutch, and German national that was deemed to be an export; failed to retain export control documents	764.2(a) [20] 764.2(e) [11] 764.2(i) [11]	Pratt & Whitney	Settlement Agreement—civil penalty of \$150,000
06/24/04	In the Matter of The Sentry Company	Exported heat treating containers to Bharat Dynamics Ltd., Hyderabad, India, an organization on the Entity List without the required licenses	764.2(a) [4]	The Sentry Company	Settlement Agreement—civil penalty of \$25,000
06/24/04	In the Matter of Saint Gobain Performance Plastics Corporation	Exported various valves and pumps to Israel and Taiwan without the required licenses; and was liable for some unlicensed exports as a successor; failed to file SEDs; made false or misleading representation on SEDs concerning authority to export; failed to properly complete SEDs	764.2(a) [159] 764.2(g) [30]	Saint Gobain Performance Plastics Corporation	Settlement Agreement—civil penalty of \$697,500

¹For administrative enforcement cases under Part 766 of the EAR, the number shown in brackets is the number of violations alleged.

Appendix D: Summaries of Closed Criminal and Administrative Export Enforcement Cases

Table 1
Department of Commerce Export Enforcement Cases
Closed October 1, 2003 to September 30, 2004 (Continued)

Order Date	Cases	Charges	Sections Violated ¹	Respondents	Result
07/30/04	In the Matter of Kwik-Site Corporation	Exported firearms scopes mounts to Canada, Austria, Finland, Macedonia, Sweden, and Switzerland without the required licenses	764.2(a) [101]	Kwik-Site Corporation	Settlement Agreement—civil penalty of \$54,000; \$27,000 suspended for one year
08/12/04	In the Matter of Aura Ltd.	Aided and abetted the export of bone densitometer equipment to Iran without prior authorization from OFAC	764.2(b) [5]	Aura Ltd.	Settlement Agreement—export privileges denied for two years
08/12/04	In the Matter of Zlatko Brkic	Attempted to export handcuffs to Bosnia and Herzegovina without the required license and with knowledge that a violation would occur	764.2(c) [1] 764.2(e) [1]	Zlatko Brkic	Settlement Agreement—civil penalty of \$20,000, all of which suspended; export privileges denied for two years
08/12/04	In the Matter of Ibn Khaldoun Drug Store Est.	Aided and abetted the export of bone densitometer equipment to Iran without prior authorization from OFAC	764.2(b) [8]	Ibn Khaldoun Drug Store Est.	Settlement Agreement—civil penalty of \$40,000
08/12/04	In the Matter of Gebruder Weiss Ges. m.b.H.	Aided and abetted the export of thyroglobulin testing kits from the United States through Austria to Iran without prior authorization from OFAC	764.2(b) [1]	Gebruder Weiss Ges. m.b.H.	Settlement Agreement—civil penalty of \$6,000
08/30/04	In the Matter of Chyron Corporation	Exported animation system to the Space Application Center in Ahmedabad, India, an organization on the Entity List, without the required license and with knowledge that a violation of the Regulations would occur; made false or misleading statement on SED	764.2(a) [1] 764.2(e) [1] 764.2(g) [1]	Chyron Corporation	Settlement Agreement—civil penalty of \$15,300
08/30/04	In the Matter of New Brunswick Scientific Co., Inc.	Exported lab equipment, software, and fermentor to the Directorate of Purchase and Stores, Department of Atomic Energy (DPS) in India, an organization on the Entity List, without the required licenses; failed to file SEDs; exported fermentors to Taiwan and Israel without the required licenses; made false or misleading statements on SEDs	764.2(a) [9] 764.2(g) [3]	New Brunswick Scientific Co., Inc	Settlement Agreement—civil penalty of \$51,000

¹For administrative enforcement cases under Part 766 of the EAR, the number shown in brackets is the number of violations alleged.

Appendix D: Summaries of Closed Criminal and Administrative Export Enforcement Cases

Table 1
Department of Commerce Export Enforcement Cases
Closed October 1, 2003 to September 30, 2004 (Continued)

Order Date	Cases	Charges	Sections Violated ¹	Respondents	Result
09/13/04	In the Matter of Lattice Semiconductor Corporation	Exported extended temperature range programmable logic devices and technical data to PRC without obtaining the required authorization; exported technical data to a Chinese national that was deemed to be an export	764.2(a) [12]	Lattice Semiconductor Corporation	Settlement Agreement—civil penalty of \$560,000
09/13/04	In the Matter of Yaudat Mustafa Talyi, a.k.a. Joseph Talyi	TDO: Reason to believe that there was a risk of an imminent violation based on evidence that Talyi, through his company International Business Services, Inc., exported or participated in the export of U.S.-origin items to Libya and Sudan without obtaining the necessary authorizations from BIS or the Treasury Department's Office of Foreign Assets Control; attempted to mislead U.S. suppliers about the ultimate destination and end-user of the items ordered by falsely claiming that they were bound for destinations such as the United Arab Emirates or Venezuela while the items were designed for oil field equipment in Libya and Sudan	764.2(a) 764.2(d) 764.2(g)	Yaudat Mustafa Talyi, a.k.a. Joseph Talyi	TDO renewed for 180 days
09/23/04	In the Matter of Ebara International Corporation	Conspiracy to export cryogenic pumps to Iran without required authorization; exported and attempted to export cryogenic pumps to Iran without the required authorization from OFAC and with knowledge that a violation of the Regulations would occur; failed to file SED; took actions to evade the U.S. Government's licensing requirements for the export of cryogenic pumps to Iran; made false statement to an OEE Special Agent in the course of an investigation	764.2(d) [1] 764.2(a) [2] 764.2(e) [2] 764.2(c) [1] 764.2(h) [4] 764.2(g) (1)	Ebara International Corporation	Settlement Agreement—civil penalty of \$121,000; export privileges denied for three years, all of which is suspended

¹For administrative enforcement cases under Part 766 of the EAR, the number shown in brackets is the number of violations alleged.

Appendix D: Summaries of Closed Criminal and Administrative Export Enforcement Cases

**Table 1
Department of Commerce Export Enforcement Cases
Closed October 1, 2003 to September 30, 2004 (Continued)**

Order Date	Cases	Charges	Sections Violated¹	Respondents	Result
09/23/04	In the Matter of Everett Hylton	Conspiracy to export cryogenic pumps to Iran without required authorization; exported and attempted to export cryogenic pumps to Iran without the required authorization from OFAC and with knowledge that a violation of the Regulations would occur; failed to file SED; took actions to evade the U.S. Government's licensing requirements for the export of cryogenic pumps to Iran	764.2(d) [1] 764.2(a) [1] 764.2(e) [2] 764.2(c) [1] 764.2(h) [4]	Everett Hylton	Settlement Agreement—civil penalty of \$99,000; export privileges denied for three years, all of which is suspended
09/27/04	In the Matter of Xinjian Yi and Yu Yi	Conspiracy to export thermal imaging cameras to the PRC without the required license; aided and abetted the unauthorized export of three thermal imaging cameras to the PRC without the required license; made a false statement to an OEE Special Agent in the course of an investigation	764.2(d) [2] 764.2(a) [1] 764.2(b) [1]	Xinjian Yi and Yu Yi	Final Decision (litigated case) Each respondent fined \$22,000 and export privileges denied for 10 years for each
09/90/04	In the Matter of Midway Arms, Inc.	Exported firearms sights, scopes, rings, bases, and mounts to Canada, Argentina, Barbados, Bolivia, Brazil, Finland, Mexico, Phillippines, South Africa, Sweden, Switzerland, and Uruguay without the required licenses	764.2(a) [368]	Midway Arms, Inc.	Settlement Agreement—civil penalty of \$222,000; \$88,800 suspended for one year

¹For administrative enforcement cases under Part 766 of the EAR, the number shown in brackets is the number of violations alleged.

Appendix D: Summaries of Closed Criminal and Administrative Export Enforcement Cases

Table 2
Summary of Cases Closed Fiscal Year 2004—Office of Antiboycott Compliance

Company Name & Location	Date Order Signed	Alleged Violations	Penalty Amount
Invitrogen Corporation Rockville, Maryland	April 13, 2004	1 violation of 760.2(d) [Furnished prohibited business information]	\$2,000
Input/Output Exploration Products, Inc Norwich, England	May 13, 2004	12 violations: 8-760.2(d)[Furnished prohibited business information]; 3-760.5[Failed to report in a timely manner]; 1-760.2(a)[Agreement to refuse to do business with blacklisted persons].	\$24,500
Arab Bank Plc New York, New York	September 29, 2004	2 violations: 1-760.2(d)[Furnished prohibited business information]; 1-760.5(b)(8) [Failure to maintain records].	\$9,000
St. Jude Medical Export GmbH Vienna, Austria	September 30, 2004	7 violations: 4-760.2(a)[Agreement to refuse to do business with blacklisted persons]; 3-760.5[Failure to report in a timely manner].	\$30,000

**Table 3
Criminal Penalties Imposed During Fiscal Year 2004**

Sentencing Date	Defendant(s)	Charge(s)	Sanction
06/09/2004	Berkeley Nucleonics	One count violating the International Emergency Economic Powers Act in violation of 50 USC § 1701-1705(b)	Berkeley Nucleonics was sentenced to five years probation and received a \$300,000 fine.
12/17/2003	Richard Hamilton	One count violating the International Emergency Economic Powers Act in violation of 50 USC § 1701-1705(b).	Richard Hamilton was sentenced to two years probation, 100 hours of community service, and he was barred from working in the export community and he received a \$1,000 fine.
12/17/2003	Vincent Delfino	One count making a false statement in violation of 18 USC § 1001	Vincent Delfino was sentenced to two years probation, 100 hours of community service, and he was barred from working in the export community and he received a \$1,000 fine.
04/28/2004	Yaudat Mustafa Talyi	Two counts violating the International Emergency Economic Powers Act in violation of 50 USC § 1701-1705(b)	Yaudat Mustafa Talyi was sentenced to five months in jail, five months home incarceration and a \$25,000 fine.
02/23/2004	Spencer Rogers	One count making a false statement in violation of 18 USC § 1001; One count conspiracy in violation of 18 U.S.C. 371	Spencer Rogers was sentenced to two years probation, received a \$5,000 fine and a \$200 special assessment.
05/03/2004	Jack Chen	One count of Aiding and Abetting in violation Title 18 U.S.C. § 371, 2 (a)	Jack Chen was sentenced to two years probation and received a \$5,000 fine.
04/28/2004	Walter Gogan	One count accessory after the fact in violation of 18 USC § 3	Walter Gogan was sentenced to two years probation and received a \$4,000 fine and a \$100 special assessment.
02/26/2004	Peggy Lancaster	One count aiding and abetting violations of the Virus-Serum-Toxic Act in violation of 18 USC § 2 and 21 USC § 151	Peggy Lancaster was sentenced to two years probation and received a \$500 fine and a \$25 special assessment.
01/08/2004	Metalor USA Refining	One Count Money laundering in violation of 18 USC § 1956	Metalor USA Refining was sentenced to 60 months probation and received a \$2,250,000 fine.
04/26/2004	Suntek Microwave	Three counts violating the International Emergency Economic Powers Act in violation of 50 USC § 1701-1705(b); One count conspiracy in violation of 18 U.S.C. 371	Suntek Microwave received a \$339,914 fine.

Appendix D: Summaries of Closed Criminal and Administrative Export Enforcement Cases

Table 3
Criminal Penalties Imposed During Fiscal Year 2004 (Continued)

Sentencing Date	Defendant(s)	Charge(s)	Sanction
03/10/2004	Thomas Butler	Eight counts theft, embezzlement, fraud, in violation of 18 USC§ 666 (a)(1) (A); thirteen counts mail fraud in violation of 18 USC § 1341; thirteen counts wire fraud in violation of 18 USC § 1343; one count false statements in violation of 18 USC § 1001; one count violating the International Emergency Economic Powers Act in violation of 50 USC § 1701-1705(b) and 15 CFR § 762.4(a) and 764.2(e); one count transportation of hazardous material in violation of 49 USC § 5124	Thomas Butler was sentenced to two years jail and \$38,675 in restitution, and received a \$15,000 fine and a \$4,700 special assessment.

**Table 4
Criminal Convictions Returned During Fiscal Year 2004 Awaiting Sentencing**

Conviction Date	Defendant(s)	Charge(s)
04/08/2004	Markus Chua	One count conspiracy in violation of 18 U.S.C. 371
04/08/2004	Ting-lh Hsu	One count making a false statement in violation of 18 USC § 1001
04/08/2004	Hai Lin Nee	One count making a false statement in violation of 18 USC § 1001
04/08/2004	Ebara International Corporation	Two counts conspiracy in violation of 18 USC § 371-2; three counts violating the International Emergency Economic Powers Act in violation of 50 USC § 1701-1705(b); two counts money laundering in violation of 18 USC § 1956
04/08/2004	Everett Hylton	One count conspiracy in violation of 18 USC § 371
04/08/2004	Infocom Corporation	Two counts false statements in violation of 18 USC § 1001; eight counts violating the International Emergency Economic Powers Act in violation of 50 USC § 1701-1705(b); one count conspiracy in violation of 18 USC § 371; one money laundering in violation of 18 USC § 1957
04/08/2004	Basman Elashi	Twelve counts false statements in violation of 18 USC § 1001; eight counts violating the International Emergency Economic Powers Act in violation of 50 USC § 1701-1705(b); two counts conspiracy in violation of 18 USC § 371; one money laundering in violation of 18 USC § 1957
04/08/2004	Bayan Elashi	Seven counts violating the International Emergency Economic Powers Act in violation of 50 USC § 1701-1705(b); two counts false statements in violation of 18 USC § 1001; two counts conspiracy in violation of 18 USC § 371; one count money laundering in violation of 18 USC § 1957
38174	Ghassan Elashi	Two counts false statements in violation of 18 USC § 1001; two counts conspiracy in violation of 18 USC § 371; one count violating the International Emergency Economic Powers Act in violation of 50 USC § 1701-1705(b); one count money laundering in violation of 18 USC § 1957
38174	Ihsan Elashi	Nine counts false statements in violation of 18 USC § 1001; four counts violating the International Emergency Economic Powers Act in violation of 50 USC § 1701-1705(b); two counts conspiracy in violation of 18 USC § 371
38174	Hazim Elashi	Four counts violating the International Emergency Economic Powers Act in violation of 50 USC § 1701-1705(b); two counts false statements in violation of 18 USC § 1001; two counts conspiracy in violation of 18 USC § 371; one count money laundering in violation of 18 USC § 1957
38077	Margie Evans	One count conspiracy in violation of 18 USC § 371; one count accessory after the fact in violation of 18 USC § 3; three counts mail fraud in violation of 18 USC § 1341; Two counts false statements in violation of 18 USC § 1001; one count of aiding and abetting violations of the Virus Serum Toxin Act in violation of 18 USC § 2 and 21 USC § 151

Appendix D: Summaries of Closed Criminal and Administrative Export Enforcement Cases

Table 4
Criminal Convictions Returned During Fiscal Year 2004 Awaiting Sentencing (*Continued*)

Conviction Date	Defendant(s)	Charge(s)
38077	Thomas Swieczkowski	One count conspiracy in violation of 18 USC § 371; one count accessory after the fact in violation of 18 USC § 3; three counts mail fraud in violation of 18 USC § 1341
38077	John Donohoe	One count conspiracy in violation of 18 USC § 371; one count accessory after the fact in violation of 18 USC § 3
38077	Dennis Guerrette	One count conspiracy in violation of 18 USC § 371; two counts mail fraud in violation of 18 USC § 1341
38077	John Rosenberger	One count aiding and abetting in violation of 18 USC § 2
38035	Stoelting Company	Two counts of violating the International Emergency Economic Powers Act in violation of 50 USC § 1701-1705(b)
38035	LaVern Miller	Two counts of violating the International Emergency Economic Powers Act in violation of 50 USC § 1701-1705(b)
38253	Stephen Midgely	One count false statements in violation of 18 USC § 1001

* Three additional convictions are under seal